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U.S. DISTRICT COURT E.D.N.Y.
JUL 3 2003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

P.M. _____
TIME A.M. _____

-----X
GARY ANTONIO WALKER,

03 CV 5821 (SJ)

Petitioner,

- against -

ORDER

UNITED STATES OF AMERICA,

Respondent.

-----X
A P P E A R A N C E S

LABE M. RICHMAN, ESQ.
305 Broadway, Suite 100
New York, New York 10007
Attorney for Petitioner

ROSLYNN R. MAUSKOPF, ESQ.
United States Attorney
One Pierrepont Plaza, 15th Floor
Brooklyn, New York 11201
By: John J. Durham, Esq.
Attorney for Respondent

JOHNSON, Senior District Judge:

Before the Court is a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255, brought by Petitioner Gary Antonio Walker ("Petitioner"). Petitioner argues that he was denied effective assistance of counsel on the ground that his retained attorney, Bernard Alan Seidler, Esq. ("Trial Counsel"), failed to file a notice of appeal on Petitioner's behalf. The United

States Attorney has responded to Petitioner's allegations.

In an exercise of its discretion, as provided in Rule 8(a) of the Rules Governing Section 2255 Proceedings, the Court now finds that an evidentiary hearing is necessary to determine the veracity of Petitioner's ineffective assistance of counsel claim.

Thus, IT IS HEREBY ORDERED that:

(1) a hearing on this matter shall be held before the Court on July 12, 2006, at 9:30 a.m.; and

(2) Respondent shall arrange for the transport of Petitioner to a detention facility within, or substantially close in proximity to, the Eastern District of New York for the purpose of providing Petitioner with adequate time to consult sufficiently with his attorney and permitting him to attend the July 12, 2006 evidentiary hearing.

SO ORDERED.

May 2, 2006
Brooklyn, New York

s/SJ

Senior U.S.D.J.